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July 30, 2008

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Via Hand Delivery

Judge William H. Pauley III  
 Daniel Patrick Moynihan United States Courthouse  
 500 Pearl Street, Room 2210, Courtroom 11D  
 New York, NY 10007

Re: *V&R Fine Art, Inc. v.*  
*One Oil Canvas Painting Entitled "Brickyard Shed," by Arthur Dove, et al.,*  
Civ. A. No. 08-5031

Dear Justice Pauley,

We represent V&A Fine Art Inc., the Plaintiff in the above-captioned matter. We write to determine whether an Answer or other Response to Plaintiff's Complaint has been received by Your Honor's Chambers and whether that document will be sent to the Clerk's office to be docketed pursuant to FRCP 5(d)(2)(B).

Plaintiff filed its Complaint in this matter on June 2, 2008. The three Defendants were personally served on June 28, 2008. Accordingly, an answer to the Complaint was due from each Defendant on July 18, 2008. The Clerk's office has no record of any answer being filed as of July 30, 2008.

On or about July 22, 2008 we received a document entitled "Motion to Compel And For Declaratory Relief Dancing and Brickyard Shed - Arthur G. Dove," hereinafter "Motion to Compel"). The document appears to be authored by the Defendant Peter S. Brooks and appears to respond to the Complaint, at least on behalf of one of the Defendants, the Estate of Inez Brooks. The document does not purport to be filed on behalf of either Mr. Brooks individually or the Helen Seibert Foundation.

In addition, Mr. Brooks is not an attorney and the document states that he is appearing "in pro per" which we assume means that he is attempting to represent the Estate in some type of pro se capacity.

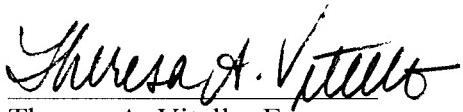
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Mr. Brooks has contacted the Firm on a number of occasions. Recognizing that he is not an attorney, we have expressed to him our concern about speaking to him. However, we have advised Mr. Brooks that there are serious questions about the document he sent us entitled "Motion to Compel," and whether he personally and the two institutional defendants have filed and served appropriate responses to the complaint under the applicable Federal Rules and Civil Procedure. (See attached letters of July 22, 2008 and July 24, 2008 from Stanley J. Levy of the Firm for Peter Stimson Brooks.)

At this juncture, no responsive pleading from any Defendant appears on the court docket. We now seek clarification from Your Honor as to whether the "Motion to Compel," which Mr. Brooks sent to us on behalf of the Estate and Inez Brooks was received by Your Honor's chambers; whether Your Honor agreed to a request by Mr. Brooks to accept the document for filing; and whether the document will be docketed and how and when that will occur.

Your Honor's attention to this matter is greatly appreciated. Please do not hesitate to contact me if I can provide further information or be of assistance.

Respectfully submitted,  
LEVY PHILLIPS & KONIGSBERG, LLP

  
Theresa A. Vitello, Esq.

TAV/ab

cc: Peter Brooks

The Court will discuss this application  
at the initial pre-trial conference on  
August 24, 2008 at  
SO ORDERED:  
10:15 a.m.

  
WILLIAM H. PAULEY III U.S.D.J.  
8/4/08